

1935

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Recommended Citation

Young, Rogers W. (1935) "The Transfer of Fort San Marcos and East Florida to the United States," *Florida Historical Quarterly*. Vol. 14 : No. 4 , Article 3.

Available at: <https://stars.library.ucf.edu/fhq/vol14/iss4/3>

THE TRANSFER OF FORT SAN MARCOS
AND EAST FLORIDA TO THE
UNITED STATES

By ROGERS W. YOUNG

Spanish Florida, comprising the provinces of East and West Florida, was ceded to the United States under the provisions of the "Treaty of Amity, Settlement, and Limits, between the United States of America and His Catholic Majesty," of February 22, 1819.¹ The treaty was signed in Washington by Secretary of State John Quincy Adams, and Louis de Onis, the Spanish Minister to the United States. Ratifications of the treaty were delayed, but on October 24, 1820, Ferdinand VII of Spain affixed his ratification and confirmation, while acceptance on the part of the United States Senate followed on February 19, 1821.² Three days later, President Monroe approved the treaty, and proclaimed it in force.³

Article Two,⁴ of this 1819 treaty, called for a transfer to the United States of

. . . all public lots and squares, vacant lands, public edifices, fortifications, barracks, and other buildings, which are not private property. . .

a provision automatically affecting the various public buildings at St. Augustine including naturally its famous old fortress, San Marcos. As the treaty⁵ called for an exchange of sovereignty within six

¹ *American State Papers, Public Lands, V. p. 280.*

² *Ibid., pp. 283-284*

³ *Ibid., pp. 283-284*

⁴ *Ibid., pp. 280-281.* The name of the old fort was changed in 1825 from San Marcos to Marion.

months or sooner, during the spring of 1819. Robert Butler, Adjutant-General for the Southern Division of the United States, was appointed to act as United States Commissioner in the transfer of East Florida.⁶

Meanwhile, prior to the ratification and proclamation of the Florida treaty, General Andrew Jackson, whose previous relations with Florida brought few pleasant recollections, was again⁷ offered the governorship of the new territory, on January 24, 1821, by President Monroe; and on February 11, came his reluctant and conditional acceptance.⁸ Writing from temporary retirement at his home, the Hermitage, near Nashville, Jackson pointed out that he was accepting the Florida post, against his own determination, and at the urgent behest of friends; that he would only remain in Florida until the government was organized but even so, he was certain that a "prejudiced world" would now proclaim with malicious gusto that the whole Seminole campaign had been "but a struggle for the present appointment." Jackson's friend, President Monroe, paid little attention to the fiery General's sensitive qualms, for on March 12, 1821, the Secretary of State, John Quincy Adams, transmitted to Jackson three official commissions empowering him to receive possession of the Provinces of East and West Florida in accordance with the 1819 treaty, to act as military governor of the whole "Terri-

⁵ Ibid, Article VII, pp. 281-282

⁶ American State Papers, *Misc. II*, pp. 875-876

⁷ Monroe to Jackson, January 24, 1821, in Bassett, J. S. (Ed.) : *Correspondence of Andrew Jackson*, Washington, 1928, III, p. 38. Jackson had been offered the position in 1819 but had refused to accept it.

⁸ Jackson to Monroe, February 11, 1819, Ibid., pp. 38-39

⁹ Jackson's campaign to suppress the Florida Seminoles in 1818

tories" of which possession was to be taken, and to carry the said treaty into complete execution as a commissioner vested with special powers.¹⁰ By April 12, General Jackson was on his way to assume the Florida post.¹¹

• Col. Robert Butler, meanwhile, was also traveling toward St. Augustine, the ancient capital of the province of East Florida, which he reached on May 24, 1821.¹² As several months had already passed since the proclamation of the Florida treaty, Col. Butler immediately attempted to initiate negotiations for the exchange of sovereignty. Upon his arrival Butler immediately informed the evasive José Coppinger, Spanish governor of East Florida, of this fact; talked with the Spanish official on the next day, and on the following day, May 26, addressed him in writing, requesting commencement of negotiations leading to the official transfer of the province.¹³ Coppinger replied the same day,¹⁴ that while he personally wished to expedite the negotiations, he had no orders to treat, but would notify the Captain General of Cuba and the Floridas of Butler's arrival and the purpose of his mission. Apparently Spain's reluctance to part with the Floridas, as evidenced in the negotiations and ratifications of the 1819 treaty, was still being manifested.

Two weeks of restless waiting for the American Commissioner were to pass before the Spanish

¹⁰ Adams to Jackson, March 12, 1821. *Ibid.*, pp. 42-44

¹¹ Jackson to Coffee, April 11, 1821. *Ibid.*, p. 48

¹² Col. Butler to Jose Coppinger, Spanish governor of East Florida, May 26, 1821. *American State Papers, Misc. II*, pp. 875-876

¹³ Col. Butler to Jose Coppinger, May 26, 1821. *American State Papers, Mis. II*, pp. 875-876

¹⁴ Coppinger to Butler, May 28, 1821. *Ibid.*, p. 876

Governor again opened communication. On June 8, 1821,¹⁵ Governor Coppinger notified Col. Butler that the necessary orders to open negotiations and to effect the transfer had arrived on the previous day from Cuba. Aroused from the tedium of waiting, Butler replied on the same day, formally opening the negotiations from a general standpoint.¹⁶ The American Commissioner pointed out that in opening the subject "generally" he desired a statement of the number of Spanish troops, and military and civil officers, whom the United States were to transport to Havana. The disposition of Governor Coppinger was also requested in regard to the handling of the various items in Article II of the treaty; the public lots and squares, the fortifications with their appendant defences, the barracks and other buildings not private property, and the archives. In a polite note¹⁷ on June 11, 1821, Coppinger remitted the lists of officials and troops to be transported, referred in a vague manner to the way his official instructions affected the various items under discussion, and particularly minimized the disposition of the artillery and ordnance stores in the fortifications. Apparently Col. Butler was greatly surprised at the studied ambiguity of the reply, particularly as it applied to the disposition¹⁸ of the "fortifications, with their appendant defences." Two days later, Butler made an explicit answer to the Spanish governor, stating:

¹⁵ Coppinger to Butler, June 8, 1821. *Ibid.*, p. 876

¹⁶ Butler to Coppinger, June 8, 1821, *Ibid.*

¹⁷ Coppinger to Butler, June 11, 1821. *American State Papers, Misc. II*, pp. 877-878

¹⁸ There were two "fortifications" in East Florida in 1821, Forts San Marcos and Matanzas.

¹⁹ The Florida officials had previous instructions to claim the cannon in the fortifications, though their disposition was not specifically referred to in the treaty. See, Adams to Jackson, March 23, 1821, in Bassett, *op. cit.* pp. 44-45

It now becomes necessary to notice particularly that part of your excellency's note which relates to ordnance, military stores, etc; and I regret that part of my note of the 8th seems not to have been understood wherein I made the expression 'fortifications, with their appendant defences;' which was intended to convey distinctly to you that my Government considered the artillery in the f appendant, and of right belonging to them, and embraced in the meaning and intention of the cession, and, therefore, to be left with them. I had fondly hoped that the same construction would have been given by our respective Governments to the treaty but, from the tenor of your letter. . . it would appear that your instructions have rendered their removal necessary.²⁰

Butler's declaration of June 13 was to launch an extended and nearly ineffectual argument between Governor Coppinger and himself over the final disposition of the cannon in Forts San Marcos and Matanzas. The controversy assumes a sophistical aspect when it is seen that both commissioners claimed to have instructions to secure the cannon, and, secretly hoping the other would give in, exchanged long argumentative epistles in which each seriously tried to convince the other, either by theory or veiled threats, that the phrase "fortifications, with their appendant defences," as a matter of definition, did or did not include cannon, ordnance stores, etc.

²⁰ Butler to Coppinger, June 13, 1821. *American State Papers*, Misc. II, pp. 878-879

On June 14,²¹ Governor Coppinger definitely informed Col. Butler that the Spanish government did not comprehend the artillery, ordnance stores, etc., in the meaning of the word "fortifications, thus requiring their removal at the cession. In his extended letter he attempted to convince Col. Butler that such items should not be so construed by the United States. Such an attitude on the part of the Spanish governor aroused the ire of the American Commissioner who, next day,²² protested vigorously against the Governor's claim, even exhibiting disbelief in Coppinger's authority to claim the cannon.²³ Also, to force the issue, for the first time Butler utilized a measure provided in the secret American instructions²⁴ and only to be used as a last resort in order to coerce the Spanish officials. He threatened with unmistakable clearness, to withhold transportation for ammunition, ordnance supplies, etc., and provisions for the Spanish troops and officials during their transportation to Cuba, if the Spanish governor persisted in his claim to the cannon at the forts. Whether in fear, compliant disgust, or desire to end further argument, it is hard to determine, but on June 16, 1821,²⁵ Governor Coppinger, as he says, in order to save time in arguing over what should be comprehend-

²¹ Coppinger to Butler, June 14, 1821. *American State Papers, Misc., II*, p. 879

²² Butler to Coppinger, June 15, 1821. *Ibid.*, pp. 879-880

²³ Butler, who had received through the American representative in Cuba, the general instructions of the Captain-General of Cuba and the Floridas to Coppinger, stated they required no removal of cannon.

²⁴ Adams to Jackson, March 23, 1821, in Bassett, op. cit., pp. 44-45. The correctness of the U. S. attitude in demanding the cannon is perhaps technically doubtful; but it was the view of Pres. Monroe to claim them.

²⁵ Coppinger to Butler, June 16, 1821. *American State Papers, Misc., II*, p. 880. Coppinger also agreed to leave a moderate amount of ammunition.

ed in the word "fortifications," and contrary to certain Royal instructions,²⁶ proposed that the cannon mounted at present on the batteries of Fort St. Mark's [San Marcos] and Matanzas, (the only permanent fortifications that exist in the province,) remain as they actually are, until our respective Govts. make the explanation and agreement they may think proper; but you will provide the transports for the residue of the artillery, a larger number not being necessary for their defense in the change of Governments. . .

With rising annoyance over Coppinger's insistence that the United States transport certain of the artillery to Cuba, an undertaking not stipulated by the treaty,²⁷ Col. Butler, two days later, informed Coppinger that he could not accept the Governor's proposition of the 16th, but instead proposed a new agreement.²⁸ Butler's new proposition of June 18, reiterated the request that all of the artillery as mounted on Forts San Marcos and Matanzas, with moderate amount of ammunition and implements be allowed to remain; called for the transportation by Spain of the residue of balls, bombs and grape shot. That the American commissioner was keenly chafing under the delay is shown in his further statements in the same communication, when he called attention to the fact that the United States was at that date prepared with

²⁶ Ibid. Coppinger claimed that the secret Royal Schedule of the previous October called for the removal of all effects, but this attitude contravened the treaty, which called for the leaving of certain items, such as the archives, etc.

²⁷ *American State Papers, Public Lands, V, p. 282*. Article VII of the Florida treaty calls only for transportation of "officers and troops."

²⁸ Butler to Coppinger, June 18, 1821. *American State Papers, Misc., II, p. 881*

escort, transport, provisions and water to accommodate the Spanish officials and troops to Havana, and was then ready to enter final arrangements for the reception of the province. His letter also pointed out that the United States troops had arrived and were "lying off this city", while "accumulating expense" was "daily arising". Butler closed his proposal with the urgent plea for a "final decision on the subject of the artillery at as early an hour as possible".

Coppinger, who was either conveniently or naturally ²⁹ vague minded, sent his answer next day. This superficial epistle, replete with circumlocutions, still confused the items that Butler proposed to transport, whether it be simple ammunition and stores, or cannon, balls, bombs, and grape shot,³⁰ and closed by hoping that Butler would accept his (Coppinger's) wish that the artillery, balls, bombs, etc., not to be left, would be transported by the United States with the troops. Undoubtedly, Butler now really exasperated by Coppinger's lack of perspicuity, but, evidently resolved to make one more attempt to explain his stand on the question of transportation, even though the Governor appeared hopeless of comprehension, replied on June 20.³¹ This time, the Colonel wrote a very brief letter, framed it with the simplest of words, and adopted a condescending tone of explanation, apparently in the hope that the American position on the sub-

²⁹ See *ibid.*, p. 894. Coppinger's subsequent actions in relation to other items covered in the scope of the cession, especially the archives, showed his real mendacious nature, and either of the above words would well characterize him.

³⁰ The Spanish Governor was still confusing the issue, when only two days before, in Butler's letter of June 18, it is clearly stated that the United States would transport ammunition and stores only.

³¹ Butler to Coppinger, June 20, 1821. *American State Papers, Misc., II*, p. 882

jects of transportation and the artillery and ordnance stores would finally be definitely clarified.

Realizing that he might assuage the Spaniard's reluctance to a relinquishment of claim to the artillery, by making a show of compromise, Butler patiently explained that although Coppinger still failed to comprehend the American transportation proposition, the United States was prepared to accede in part to the Governor's proposal of June 16, if there was to remain the

artillery (with their implements complete,
and a reasonable proportion of fixed ammunition) as mounted on St. Mark's and Matanzas. . .³²

To be doubly certain that the cannon in battery were to be left, the Colonel itemized the armament to remain at Fort St. Mark's, as consisting of ten, 24 pounders, eleven 16 pounders, iron cannon one, 11 inch, and one, 7 inch, brass mortars; and two, 7 inch, brass howitzers.³³ In closing his proposal of acceptance, the Colonel, to make the compromise still more favorable to the United States, stipulated that the United States would furnish only a naval convoy for the transportation of the cannon to be removed, such transporting to be done by Spain. Undoubtedly much to the relief of the despairing Butler, Governor Coppinger, on the next day,³⁴ hailed with satisfaction the fact "that a final and friendly termination is placed on the business" of artillery, ammunition, etc. Coppinger effusively continued in the same letter that on the next day, June 22, he would begin the embarkation, on his own part, of the cannon, balls, bombs, and grape

³² *Ibid.*

³³ Fort Matanzas then mounted only two, 8 pounders, iron cannon.

³⁴ Coppinger to Butler, June 21, 1821. *American State Papers*, II, p. 882

shot, not comprehended to remain in East Florida. In closing he extended his thanks to the United States, for its permission allowing the Spanish chartered ships, carrying the above articles, to accompany the American ships transporting the Spanish troops and officers which were to sail under convoy in the near future. So ended the most aggravating and dilatory of the controversies during the cession negotiations in East Florida.

On June 22,³⁵ Butler informed Coppinger that the American government had two ships, the Ship *Meteor* and the Sloop *Endeavor* waiting to transport the Spanish troops, civil and military officers, and their families. In thanking Col. Butler for the American transportation arrangements, on June 23, Governor Coppinger informed the United States Commissioner that the Spanish government had chartered three American schooners to transport the cannon, balls, bombs, etc., which Spain was being allowed to remove, and that they would soon be ready for convoy.³⁶

Apparently cheered though somewhat taken aback by Coppinger's unprecedented initiative, Col. Butler waited a few days and then on June 27, boldly came forward and asked for a definite termination of further vacillation, by requesting the Governor to set a day for the delivery of the province.³⁷ Perhaps the Colonel's recuperation from the dilatoriness of the "artillery controversy" had been too rapid, or the elapsed time had erased from his mind his recent encounters with Coppinger's circumlocutions, or perhaps the Colonel had not even at this late date fully comprehended the leisurely Spanish

³⁵ Butler to Coppinger, June 22, 1821. *Ibid.*, pp. 883-884

³⁶ Coppinger to Butler, June 23, 1821. *Ibid.*, pp. 884-885

³⁷ Butler to Coppinger, June 27, 1821. *Ibid.*, p. 885

character, for his approach was definitely too hasty, its very effrontery thrusting Coppinger protectively "back into another episode of procrastination. For another two weeks, while St. Augustine sweltered, while the American troops were restlessly enduring their ships at anchor off the harbor, while expenses mounted daily, the Spanish governor refused to set a day for the ceremony of delivery.³⁸ Finally, the American commissioner was able to arouse Coppinger and have him approve, on July 6, 1821, an official "memorandum" as to the details of the actual ceremony for the occupancy of Fort San Marcos by the American troops on the proposed but still undetermined day of delivery.³⁹

The end of the cession negotiations and Col. Butler's trials was near however. Two days later,⁴⁰ now fully aroused from his seeming lethargy, Coppinger formally notified the American Commissioner that as Spanish Governor of East Florida he was ready for the exchange of flags on the "10th instant", "and that his troops, with the exception of guards at the forts, parade and magazine, would embark on July 9. On July 6, the official commissioners for the respective governments of the United States and Spain, Colonel Robert Butler and Don

³⁸ This time Coppinger delayed proceedings through numerous communications in which he presented superficial objections to the American provision and transportation arrangements. Butler was finally able to allay his fears through unimportant concessions. See *American State Papers, Misc., II*, pp. 885-889

³⁹ *American State Papers, Misc., II*, p. 889

⁴⁰ Coppinger to Butler, July 8, 1821. *Ibid.*, Note that the American Commissioner had been ready as early as June 18 but was kept waiting until this late date.

Jose Coppinger had signed a

Memorandum of the manner of occupying the Fortress of St. Marks, at St. Augustine.

St. Augustine, July 6, 1821.

The Spanish troops (excepting the detachment left in the fort) to be embarked on Monday, the 9th instant, ready to cross the bar on the following day.

There will be a salute fired by the fort on Tuesday morning, on hoisting the Spanish flag. During the disembarkation of the American troops, the flag of the United States will be hoisted along with the Spanish flag, when the fort will again fire a salute. The American officer who delivers the flag to remain in the fort until its delivery. When the American troops are formed near the fort the Spanish flag will be withdrawn under a salute the guards will then be relieved, and the troops of Spain will march out, and, on passing the former, they will mutually salute; when the American troops will be marched into and occupy the fortress.

Robert Butler, United States Commissioner.

Approved:

Jose Coppinger.

As the ceremony was planned so it was executed on Tuesday, July 10, 1821.⁴² And with the signing on the same day of the formal "Act of Cession," or document of delivery, by Colonel Butler, and Governor Coppinger the final ceremony of the delivery of the province, under the Florida treaty of 1819,

⁴¹ *American State Papers, Misc., II, p. 889*

⁴² *Fla. Hist. Soc. Quarterly*, VI, pp. 40, 41 is reproduced in facsimile Gov. Coppinger's proclamation to the inhabitants of East Florida, July 7, 1821.

⁴³ *Ibid.*, p. 890.

was consummated, and East Florida, and its famous old fortress San Marcos, passed forever from the hands of Spain. Seven days later the whole territory had passed under the sovereignty of the United States with the delivery, on July 17, of West Florida to Governor Andrew Jackson, at Pensacola.⁴⁴

⁴⁴ *House Document, No. 1, 17 Cong. 1 Sess., pp. 67, 68-70*